

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
APRIL 4-5, 2007**

**STATE BOARD ROOM  
1ST FLOOR, CAPITAL PLAZA TOWER  
FRANKFORT, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held its regular meeting on April 4-5, 2007, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

**Wednesday, April 4, 2007**

***CALL TO ORDER***

Chair Keith Travis called the meeting to order at 8:30 a.m. and asked that all cell phones be turned off or muted and reminded everyone that the meeting was being broadcasted over the Internet through web casting.

***ROLL CALL***

Present for the meeting were C.B. Akins, Kaye Baird, Joe Brothers, Jeanne Ferguson, Bonnie Lash Freeman, Judy Gibbons, Doug Hubbard, David Rhodes, Keith Travis, Janna Vice, and David Webb. Absent was Tom Layzell.

***ANNOUNCEMENTS***

Chair Keith Travis made the following announcements:

- A list of the participants in today's luncheon at the Kentucky Education Association can be found in the meeting folders.
- Item XI.B.3, Kentucky High School Athletic Association Board of Control Appointment is being deferred to June, so it will be deleted from the Management Committee's agenda.

***APPROVAL OF MINUTES FROM THE FEBRUARY 7-8, 2007, KBE REGULAR MEETING***

Chair Travis then asked if there were any revisions or additions to the February 7-8, 2007, KBE regular meeting minutes. None were brought forward; thus, C.B. Akins moved approval of the minutes and Judy Gibbons seconded the motion. The motion carried.

### ***REPORT OF THE SECRETARY OF THE EDUCATION CABINET***

Secretary Laura Owens made the following comments:

- Calls are coming in where people are saying they heard I applied for commissioner and made the final cut. I did not, but these are wonderful rumors.
- Regarding the Math and Science Center at Western Kentucky University, my office worked with legislative staff for wording in a bill that would allow college instructors to teach high school students and would allow these centers to issue a high school diploma. The bill did not pass and thus, we are trying to figure out a solution to these issues.
- The pension issue continues to be a great interest and a task force is being put together by the governor.
- A thank you goes to Johnnie Grissom for working with me to explain the new special education procedures.
- I have recently been in Washington, DC at the United States Department of Education and hope to bring in some of the federal staff to help us understand changes to the law.

### ***REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION***

Chair Travis noted that Dr. Layzell had sent a written report that can be found in the meeting folders.

### ***REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD***

Dr. Phil Rogers made the following comment:

- Dr. Akins asked for information on the Kentucky Teacher Internship Program that is being passed around along with information on the Principal Internship Program.

### ***REPORT FROM PRE-K TO 16 COUNCIL***

Jeanne Ferguson gave the following report from the Council's last meeting:

- Secretary Owens presented a report on the legislative session.
- An update from the local P-16 councils was provided.

- Helen Mountjoy talked about teacher visits to businesses in Owensboro to facilitate coordination and partnership in working with students.
- The Developmental Task Force reported and John Turner talked about what is happening in secondary education as far as alignment of college standards and the link between college readiness and the development program.
- Dr. Lee Todd from the University of Kentucky discussed the STEM program and the fact that students need to engage in more math and science courses to be internationally competitive.
- Dr. Ramsey from the University of Louisville indicated students are coming to the university better prepared and explained how the University of Louisville and the community colleges have formed a seamless relationship.
- Dr. Bazell then discussed the importance of languages and how we need more awareness of foreign languages plus the need to be more bilingual in order to be successful in a global economy.
- An update on the commissioner's search by Jeanne Ferguson was provided.
- An update on the Council on Postsecondary Education's search for a new president was provided.

### ***REPORT OF THE COMMISSIONER OF EDUCATION***

Interim Commissioner Kevin Noland gave the following report:

- In the 2007 Technology Counts results, Kentucky tied for fifth in the nation. We were also one of two states identified as best in integrating technology. Kentucky received an "A" in "capacity to use". We received a "C" in "access" and mainly this was due to the age of our workstations. The snapshot *Ed Week* used to formulate the report occurred before "IDU" purchases began to be made. So, next year our grade in the "access" category and overall state standings should be much improved. Overall, Kentucky did very well this year.
- The E-rate program is celebrating its tenth year. Three hundred million dollars has come into Kentucky during that time due to this program. Kentucky is a top ten state in amount of E-rate rebate funds received per student. Hats off to Kim Duvall, the KETS engineers, Mike Leadingham and Phil Coleman for putting things in place and working with districts to make this so successful for so many years.
- A KEN update shows 22 districts and counting; 92 will be completed by June 30.

- An IDU update shows \$7.8 million of \$25 million that has been spent. 117 districts have made IDU purchases.
- Kentucky's work on secondary redesign will be highlighted in an upcoming CCSSO conference through the participation of two students from Kentucky in the keynote and the participation of 40 students from districts throughout the state in an on-line forum that is gathering student input on the four conference themes to be used in state team working sessions. The two who will participate in the keynote, Meghan Bostic and Meredith Geers, who are now in college, worked with the Kentucky Department of Education as high school student leaders and continued to be involved with the department in helping younger students understand their role in high school redesign. One of these students is actually a subcontractor on the A5-A6 study.
- Our KDE YES! Team Member of the Month for April is Rita Belen. Rita is a Personnel Administrator in the Office of Internal Administration and Support.
- Some of KDE's new employees and their supervisors are present to be introduced. The following folks should stand as their names are called:
  - Patrick Galloway, Office of District Support Services, Systems Consultant IT; the Branch Manager is Lydia Tanuku
  - Mark Darbyshire, Office of District Support Services, Systems Consultant IT; the Branch Manager is Lydia Tanuku
  - Yulia West, Office of Leadership and School Improvement, Administrative Secretary; the Branch Manager is Shawn Murphy
  - Faith Thompson, Office of Teaching and Learning; Division Director is Linda Pittenger
  - Bruce Johnson, Office of Education Technology; Division Director is Phil Coleman

### ***GOOD NEWS FROM SCHOOLS/DISTRICTS***

The following items of good news were highlighted by the noted board members:

- David Webb – Evan Miller, a student at Owensboro Middle School, earned a 35 on the math portion of the ACT during the Duke University Talent Identification Program. The highest possible score on the college entrance exam is 36. Only one other student nationwide received a 35 out of the nearly 70,000 seventh graders tested for the program. Evan received a \$3,500 scholarship to attend Duke's TIP summer camp. Congratulations to Evan on this outstanding achievement.
- Janna Vice – Jenni Goggin, a counselor at Danville Independent's Toliver Elementary, has been named Elementary School Counselor of the Year by the Kentucky School Counselors Association. Goggin's coworkers nominated her for

the award, noting that she has a “life-saving relationship with children, teachers and families” at the school. Congratulations to Jenni for being chosen for this award.

- Kaye Baird – John Gorley, art teacher at Perry Central High School, received the Kentucky Art Educator of the Year Award from the National Art Education Association. Gorley has taught at Perry Central for nearly 27 years, and he and the other full-time art teacher have 350 students in their classes throughout the day. Gorley prefers to work in ceramics, but he also teaches whittling and weaving to his students. Join me in congratulating John on receiving this honor.
- Bonnie Lash Freeman – At the recently held Governor’s Cup Competition, sponsored by the Kentucky Association of Academic Competition, the following received group academic team honors:

**Middle School Level:**

- Overall Team Points – 1. Johnson County Middle School, 2. Mezeek Middle School (Jefferson County) and 3. Lexington Traditional Magnet School (Fayette County)
- Quick Recall – 1. Mezeek Middle School (Jefferson County), 2. Lexington Traditional Magnet School (Fayette County), 3. Kentucky Country Day (Jefferson County) and 4. Edmonson County Middle School
- Future Problem Solving – 1. Johnson County Middle School, 2. Northern Pulaski Middle School and 3. Russell Middle School

**High School Level:**

- Overall Team Points – 1. Paul Laurence Dunbar High School (Fayette County), 2. Johnson Central High School and 3. Madisonville North Hopkins High School (Hopkins County)
- Quick Recall – 1. Danville High School, 2. Madisonville North Hopkins High School (Hopkins County), 3. Russell High School and 4. Johnson Central High School
- Future Problem Solving – 1. Madisonville North Hopkins High School (Hopkins County), 2. Johnson Central High School and 3. Adair County High School

Congratulations to all of these fine teams for winning academic competition honors at the state level.

- Kaye Baird – John Williamson has been chosen as the new superintendent of Fort Thomas Independent and we offer congratulations to him. He is from Pikeville.

## ***PROGRESS TOWARDS PROFICIENCY BY 2014***

Coming forward for this item were Linda France, Rhonda Sims and Kevin Hill. Deputy Commissioner France began by introducing Bill Auty, who she said is now working part-time for the Department and is from Oregon. She noted that Auty has spent 25 years as a school/district administrator and has worked with the Oregon Department of Education in making the transition for their assessment to meet the requirements of the *No Child Left Behind Act*. France explained that Auty is a psychometrician and emphasized that the department is fortunate to have him to advise on assessment issues.

Deputy Commissioner France then stated that the Kentucky Board of Education has established the goal of proficiency for all schools by 2014. She explained that proficiency is described as reaching an index of 100. France commented that today, staff is bringing the Board a metric to provide a snapshot of where Kentucky schools might be by 2014. She explained that the snapshot is based on two data points, the 2000 biennium data and the 2006 biennium data. France continued that two views of the data are provided with the first being all elementary, middle and high schools combined and the second being data of stable schools. She then asked Rhonda Sims to walk the Board through the packet of data and cautioned that in order to make these projections, a lot of assumptions were made.

Rhonda Sims then went through a PowerPoint presentation titled “Progress Toward Proficiency Based on 2006 Results, Commonwealth Accountability Testing System”. The points made within the PowerPoint included:

- Each school has a customized growth chart with the expectation of continuous improvement. The categories into which schools can fall are Meets Goal, Progressing or Assistance. Every two years the indexes are combined and a point is plotted on the chart.
- To generate a school’s 2006 CATS accountability index, the calculation begins with the percentage of students scoring in each performance level – Novice, Apprentice, Proficient, and Distinguished – for each content area of the Kentucky Core Content Tests and writing portfolio or alternate portfolio. Based on student performance a school academic index is generated for each content area. The academic indices are then combined with the norm referenced index and nonacademic index to generate an accountability index.
- All data used to generate the accountability index is reflected on the accountability trend page of the Kentucky Performance Report.
- Schools are provided with various reports including a chart that shows dropout rate, novice reduction targets, percentage of students in the novice performance level, etc. as compared to the state.

- Several slides were shown to assist Board members to understand the growth chart for schools.
- As far as 2006 results for all schools (1,108), 568 schools (51.26%) were in the meeting goal category, four hundred and eight (408) (36.82%) were in the progressing category, 91 schools (8.21%) were in the progressing classification but declining and 41 schools (3.7%) were in the assistance category.
- As far as the projected 2014 performance for all schools with stable data (1,029), it was predicted that 382 schools (37.12%) would meet goal, 513 schools (49.85%) would be progressing and 134 schools (13.02%) would be in assistance.
- These results were then broken down by elementary, middle and high school levels on actual 2006 results followed by projected 2014 performance.
- At the end of the presentation slides were provided to give data on subpopulation performance.

Doug Hubbard then asked staff to confirm that what this packet is saying is that only 37% of schools will meet the goal in 2014. Rhonda Sims replied affirmatively but clarified that there is no way to account for all the factors in the future that will affect progress.

Keith Travis then emphasized that we are not closing the gap fast enough. He pointed out that it took seven years to gain 3 points.

Phil Rogers then commented that we need to figure out how to get highly qualified teachers into high poverty schools. Rogers indicated that we don't yet have a clear strategy to accomplish this.

Chair Travis continued that Kentucky has been set apart from the rest of the country because we have never lowered our standards. He explained that some states will meet proficiency by 2014 because they did lower their standards. Travis said that it's going to be rough over the next three or four years to make the cultural changes necessary in order to improve performance.

Joe Brothers then said that he did not think we have 3 or 4 years because it takes 5 years or more to change a culture. He felt that reading and writing are key skills to improvement and that the culture change must happen in the next 12 months. Brothers thought that we do not need to work harder and do more of the same, but instead need to acknowledge and address the problems and understand that we are in a crisis mode. He said that it is not about finding out who is at fault but about figuring out what to do differently. He emphasized there needs to be a sense of urgency.

Bonnie Lash Freeman then commented that she agreed with the sense of urgency, but explained that she looks at the situation from a different perspective related to teachers and instruction. Freeman pointed out that things are working well at the elementary level

but something happens once students enter middle and high school. She indicated that something else has to happen at those levels to move in a different direction. Freeman felt that the department must help the Board figure out how to make a difference.

Chair Travis commented that the Board must get its focus off of ancillary topics and onto the topic of proficiency. He stated that some will say the end result needs to be modified, but he emphasized that the Board will not take that route. At the next meeting, Travis noted, he hoped there would be a conversation about different sections of the state and where strengths and weaknesses exist.

Bonnie Freeman commented that the Board also needs to look at interventions for each area and the fact that some areas are getting more resources than others.

Travis continued that there is a multitude of literacy efforts and said the Board may have to become more directive in this area.

Joe Brothers then continued that he felt Bonnie Freeman made a good point about something going right in elementary. He agreed that this needs to be built on for middle and high schools.

Janna Vice commented that she sees progress being made but not where it needs to be. She felt that we must seek mastery and not just exposure. Vice stated that we needed to ask what students actually need to know.

Kevin Noland then commented that he commends the Board on its sense of urgency and pointed out that this is a national problem as well. Noland indicated that Kentucky has made progress because fifteen years ago we were at the bottom of the NAEP scores and now we're in the middle in reading and science. He said that he knows this is not good enough because we want to be competitive. Noland stated that we must recognize improvement, but also recognize that reaching proficiency is a national challenge.

At this point David Webb noted that this is a complex problem with no simple solution. He felt it is important to share this same information with the General Assembly. Webb commended staff on the quality of the data report.

Joe Brothers said that we have not addressed the responsibility of students and parents in learning. He emphasized there is no way a change can be made until a cultural change is addressed that includes student and parent ownership. Bonnie Lash Freeman responded that the Family Resource and Youth Services Centers can help with this plus Adult Education and Family Literacy Programs. She said that we need to think about how to reach out to families.

Deputy Commissioner Linda France closed out the discussion by expressing appreciation for the comments and she indicated staff would look forward to continuing the discussion in June. She indicated staff will bring recommendations in June to focus on the instructional core.



***UPDATE ON THE IMPROVEMENT PLANS AT IROQUOIS MIDDLE SCHOOL AND SOUTHERN LEADERSHIP ACADEMY (JEFFERSON COUNTY PUBLIC SCHOOLS) AND HOLMES JUNIOR/SENIOR HIGH SCHOOL (COVINGTON INDEPENDENT SCHOOL DISTRICT)***

Superintendent Jack Moreland from the Covington Independent School District began the presentation and indicated that he and his team were pleased to be at the meeting to share things that they think are making a difference on the Holmes High School campus. He then introduced Lynda Jackson who oversees federal programs, student programs and professional development; Ray Finke, high school principal; and Jeff Volter, chief academic person in the school district. Moreland indicated that the conversation he had just heard the Board conduct is not so different from the one that occurs at the local board meetings on a monthly basis. He indicated that everyone understands there is a sense of urgency and though good success is occurring at the elementary level, struggles still remain at the middle and high school levels. Moreland emphasized that the district does not have all answers but staff does feel they have implemented some things that are making a difference. He then asked Ray Finke to talk about some of the changes at the high school.

Mr. Finke gave the following highlights of some of the changes at the high school:

- Three years ago, the Holmes campus was three separate schools and now these have been merged into one high school (grades 8-12).
- The campus has gone off of block scheduling to a seven period day.
- The school has made some progress in grades 9-12 on the state tests and some of the other indicators; however, at eighth grade, test scores are stagnant and progress is not being made at an acceptable rate.
- At Holmes, the 8<sup>th</sup> grade is the transitional grade rather than 9<sup>th</sup> grade, as occurs in most schools. We are trying to make the 8<sup>th</sup> grade different from the rest of the high school.
- Eighth grade has gone to using academies.
- Staffing in the eighth grade has been done to make it an eighth grade school and we've been able to move the eighth grade into a part of the building where it is segregated to a much greater degree in the past.
- Two and a half teacher teams are serving just the 8<sup>th</sup> grade in core subjects and their schedule has been changed to six classes instead of seven.
- We are planning summer activities with the teachers and making sure our curriculum is aligned with core content.

- We are bringing teacher teams in over the summer to make sure they are changing the way they deliver instruction to the eighth grade students.
- All of these changes can be seen in the plan that is before you.

At this point, Lynda Jackson shared the following:

- The improvement plan is derived from multiple sources of data, including state assessment data, the district's SAACs report, data from bi-weekly walk-throughs of the Holmes campus and the district audit report.
- The district is under contract with three different agencies to provide assistance as follows:
  - Thoughtful Education Initiative- This initiative will target teachers in grades 3 thru 9 to work on instructional strategies (3-year project).
  - Dr. Malcolm Smith is training staff on diffusing disruptive behavior and dealing with angry students.
  - Dr. Robert Barr will be providing summer professional development and follow-up for grade 8 and 9 teachers.
- We are focusing on ensuring that the Champs Model for classroom management is being consistently implemented across the district.
- Teacher leaders are being brought in one evening a month in a train-the-trainers model to focus on analyzing data and student work.
- A position for a .5 literacy coach and a .5 instructional coach for the Holmes Academy to target grade 8 has been approved.
- Intensive training for all school-based decision making councils will be part of this year's training.

Superintendent Moreland then added that the district has 84% free and reduced lunch students and wanted the Board to understand that staff is working with the problems associated with this as well. He noted that the place where they are having the least success is in engaging parents.

The Board then had questions about retention of teachers and the quality of teachers at the Holmes campus. Mr. Moreland replied that the last two years there has been about a 20% turnover rate, which is an improvement from the past. He said that the district has a goal of 100% engagement for both students and teachers. However, he shared that it has been necessary to use uncertified teachers in math and physics and some other areas.

Moreland stated that the new teachers or uncertified teachers do not have a wealth of knowledge like experienced ones do. He then cited morale of staff as the hardest problem he has to work through and stated that he cannot guarantee that everything that is in the audit report will get done with the amount of Rank 3 teachers that are working at Holmes.

Chair Travis said that the Board will discuss when another report from Holmes will be necessary and will let the district staff know when this will be scheduled. He thanked the district staff for the report and for taking time to come to the meeting.

Next, Superintendent Steve Daeschner from Jefferson County was asked to come forward to talk about the support plan for Iroquois and Southern Middle Schools. He noted that the principals of both schools, two local district school board members and Sandy Ledford, assistant superintendent for instruction, were all in the audience. Daeschner then proceeded to use a PowerPoint presentation to provide a summary of the plan in progress at these middle schools as follows:

- The first slide showed a summary of the test scores at both schools as well as the district and state gains. The chart showed the schools have made good gains but are still significantly behind. To make the 2008 goals, Iroquois Middle needs a 21.7 point gain and Southern Middle needs a 25.5 point gain. No school has done more than 13 points in the past and this can give one a feel for the challenge that is in front of these schools.
- The next slide illustrated the high percentage of free and reduced lunch students, English as a second language students, special education students and mobility rate that affects both of these schools.
- Enrollment data relative to male/female composition for both schools was the focus of the next slide.
- Principal and highly skilled educator turnover rate has been problematic at both Iroquois and Southern.
- Teacher turnover rate is a big problem and the percentages at both schools from the fall of 2000 to the fall of 2006 were highlighted.
- A summary of the district audit was provided as follows:
  - The Board of Education has negotiated and adopted a contract with the Jefferson County Teacher's Association that restricts the ability of the district to properly address needs of students in low performing schools.
  - District leadership has not defined, designed or implemented an effective system to provide for learning needs for students at the middle school level in low performing schools.

- District leadership has not fully explored opportunities for action allowed by statute and regulation to re-staff schools through reconstitution or reconfiguration.
  - District leadership does not require school leadership to monitor effective delivery of an aligned curriculum, rigorous and authentic assessment and engaging instruction in classrooms of low performing schools.
  - District leadership does not provide a safe, orderly and productive environment for staff and student learning in low performing schools.
  - District leadership neither provides to low performing schools a timely response for assistance nor prompt corrective action when a principal's action or inaction impedes the ability of a school to improve student achievement.
- Key changes for 2007-08 to respond to the audit findings include:
    - Appointment an administrative team consisting of the principal, assistant principal, and guidance counselors, with the principals reporting directly to the superintendent.
    - Use of master teachers/instructional coaches that will be 50% teaching and 50% coaching, having a minimum of 3 years teaching experience, will remain at the assigned school for a minimum of 3 years, have a major in his/her content area and will show a proven record of student improvement.
    - Regular teachers will have a major in the area of his/her assignment, give a 3-year commitment, be a team player, be a continuous learner, have high expectations and see improvement in these schools as a moral imperative.
    - Professional development will include common planning by grade level, embedded professional development to include a minimum of two periods a week on instructional strategies, student assessments, analyzing student work, content advancement, lesson design and instructional technology.
    - Resource enhancements will include reduced class size (20:1 in core content classes), "best mentors" for new teachers, a tablet PC and mounted projector for each classroom teacher and additional days for master teachers.
    - A safe and orderly environment will result from security personnel, a camera surveillance system, peer mediation, conflict resolution and classroom management practices.
    - A strong accountability model will be in place.
    - The principal will report to the superintendent.
    - Growth plans will be tied to the school improvement plan.
    - Students will be continually assessed throughout the year.
    - District support teams will be in place.
    - Parent involvement will include parent workshops every two weeks, PTA, Youth Services Centers, Title I Parent Advisory Council and parent/teacher conferences.

- Transitioning is to include no school-based decision making governance, the superintendent appointing the school administrative team, class sizes reduced, master teachers, professional development, enhanced technology, enhanced safety and no changes in the student population.
  - A shift in the student population will be used to create gender specific schools.
  - Results and lessons learned will be reviewed and adjustments will occur to continue implementation.
  - The accountability index will be reconfigured.
  - An advisory council will be established as a precursor to reinstituting the school-based decision making council.
- A summary of the plan for both schools included the following:
    - To deal with student barriers such as high poverty and mobility, high expectations, mentors, use of time, engaging instruction and lower class size will be implemented.
    - To deal with distributive leadership and school-based decision making, Wallace Foundation training, superintendent selection, continuity of leadership, leadership team, direct response to superintendent and district support teams/highly skilled educator will be implemented.
    - To address the teaching staff, high turnover and weak instruction, master teachers having a moral imperative to succeed a 3-year commitment and a coaching model will be put into place.
    - To deal with the culture of low expectations and safe and orderly environment, Foundation/Champs, high expectations and an orderly environment will be implemented.
    - Due to the concern about differentiated instruction, high accountability, monitoring, interventions, questioning techniques and assessments will be implemented.
    - As far as the concern on curriculum and pedagogy, consistent content curriculum, the new GE math/science program and effective professional development will be implemented.
    - As far as resource allocation, job-embedded professional development, lower class size, human resources and finances will be implemented.

C.B. Akins noted that he visited both of these schools and was impressed with Ms. Graham's rapport with the students. He said he left with a good feeling. However, he indicated that he did not have as much time at the other school. Akins said he saw teachers from one end of the spectrum to the other. He felt that there seems to be a clear plan of action that should cause incredible change. Akins noted that the one thing that Superintendent Daeschner said that troubled him was about parent involvement not happening. Akins said it must happen and that district staff and school staff must go out into the community to invite parents to the school if they will not come to the school itself.

Superintendent Daeschner said that he agreed the schools must have different models and reach out.

Bonnie Lash Freeman thanked the district and school staff for coming and reported that she and Jeanne Ferguson had spent time with Dr. Ledford and will visit the schools in the future. Freeman noted they talked about the idea of teachers being out in the community on buses and also that Family Resource/Youth Services Centers would be another way to reach parents. Freeman noted that she is glad to offer her support in whatever way is needed.

Joe Brothers complimented the Jefferson County plan and said it has attempted to address a culture change. However, Brothers said he was concerned about the Covington plan because he did not see a culture changing approach.

Keith Travis stated he thought that Jefferson County and Covington should join the Board again in August to talk more in-depth about their plans and about the progress they are making.

David Rhodes also expressed some concern about Covington's plan.

Judy Gibbons requested that more time be allocated to this item in August so that each district can share the full range of their plans and progress.

### ***CATS TRANSITION ISSUES***

Deputy Commissioner Linda France said that the Office of Assessment and Accountability has worked with the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) since November on this issue. She said that many ideas were presented but noted the panel focused on regression and concordance toward the end of their discussion. France pointed out that the staff note explains what concordance is using an ACT/SAT example. She indicated that Bill Auty could talk about the concordance approach.

Rhonda Sims then stated that NTAPAA had taken an intensive look in February and March at this issue and that in March, they recommended the concordance approach. Sims shared that NTAPAA understand the sense of urgency and the fact that we cannot take a break from accountability. She explained that the concordance method allows us to continue trends over time and determine those schools needing assistance.

Bill Auty then said that anytime one makes a change in the assessment system, the question comes up if it is possible to maintain continuity over time. He stated that NTAPAA feels the concordance method will provide a close enough transition to be able to line up the two tests and link them at different percentile points. Auty explained that the assumption is that the state will make the same growth over time since 1999 and evidence shows that this is a reasonable assumption. He said that schools will continue to get their scores as usual and look at how they did over time.

Keith Travis emphasized this is good news since we would not have to implement an interim accountability model. From a lay perspective, he indicated, this will have minimum adverse impact on the scoring system.

### ***CURRENT STATUS OF FAMILY RESOURCE AND YOUTH SERVICES CENTERS***

Coming forward for the presentation were Commissioner Marla Montell, Department of Human Support Services; Jane Seltsam, Director of Family Resource/Youth Services Centers and Michael Denney, Assistant Director of Family Resource/Youth Services Centers. Commissioner Montell used a PowerPoint to present the following information:

- Kentucky's Family Resource/Youth Services Centers shall establish the national standard of excellence in the provision of school-based family support. This is the vision of the program.
- The basic principles of family support are:
  - Community-based, response to local need
  - Focuses on prevention
  - Builds on each family's strengths
  - Views families as partners rather than clients
  - Respects the integrity of the family unit and serves it holistically
  - Enhances parental capacity to foster the optimal development of their children
  - Sensitive to cultural, ethnic and religious characteristics of the community
  - Establishes linkages with community support systems
- The program mission is as follows: The Kentucky Family Resource/Youth Services Centers' mission is to enhance students' abilities to succeed in school by developing and sustaining partnerships that provide early learning and successful transition into school, academic achievement and well-being while in school and successful transition in adult life.
- The program focus consists on parental engagement/involvement, service brokerage and community development.
- The program components for family resource centers include preschool child care for 2 and 3 year olds, after school child care for 4 through 12 year olds, families in training, family literacy, support in training for daycare providers, health services or referrals to health services and optional components as defined by need.
- Program components for youth services centers include referrals to health and social services, drug and alcohol abuse counseling, employment counseling,

training and placement, summer and part-time job development, family crisis and mental health counseling and optional components as defined by local need.

- Program requirements include: schools with 20% of the December 1 enrollment being eligible for free or reduced price meals are eligible for a center, initial grant application requirements are in statute, minimum center funding threshold for FY07 is \$33,660 and maximum center funding threshold for FY07 is \$91,800.
- Additional program requirements include a functioning local advisory council comprised of parents/guardians, community partners, youth and school staff, assessment of local need to determine programs and activities, biennial program plan containing budget and action components and involvement in the comprehensive school improvement plan.
- Three charts were then used to depict program growth showing that currently over 800 centers are in existence, about 1,200 schools are served and around 600,000 students have access to these services. It was also noted that around \$55 million is now allocated for this program.
- The program is administered by the Cabinet for Health and Family Services via contract with local districts; the state is divided into ten service regions; each region has program manager to provide technical assistance and oversight; and central office staff supports the work of the regional program managers in working with local districts.
- Organization charts of the Department for Human Services and the Division of Family Resource/Youth Services Centers were presented on slides.
- In FY05, local centers reported parent interactions at the following level:
  - 43,053 parents participated in parenting classes
  - 15,840 grandparents participated in centered sponsored support groups
  - 33,035 new and expectant parents were contacted by local centers
  - 52,915 home visits were conducted
  - 1,679 families participated in family team meetings with DCBS
- In FY05, local centers reported student interactions at the following levels:
  - 279,669 students referred for health services
  - 20,359 students in after school child care programs
  - 72,482 student in summer programs
  - 73,824 students in peer medication/conflict resolution programs
  - 25,987 students in FRYSC sponsored mentoring programs
  - 21,691 students involved in FRYSC tutoring programs
  - 78,909 students involved in FRYSC transitioning programs
  - 274,054 students involved in FRYSC back to school events
  - 150,597 students involved in FRYSC reading programs/activities



- 11,566 students involved in FRYSC job shadowing programs
  - 99.5% of center coordinators are 240 day employees
  - In addition to in-kind services, local districts contributed over \$750,000 in FY05 supplemental programs
  - 22 districts supplement coordinator salaries in 23 centers statewide
  - In FY05, FRYSCs obtained almost \$7.8 million in additional grant dollars for local programs
  - In FY05, FRYSCs contributed over \$1.5 million of their allocations to on-site health services, mental health services and substance abuse counseling
- As a closing comment, the following was given: “The centers have had a positive influence on the community; they are respected and they do a lot to help families. People out there are well-known in the community and they are sincere.” (small town newspaper editor)

Chair Travis thanked Commissioner Montell and her staff for presenting the information and said the Board looks forward to working with them as partners in the future.

#### ***UPDATE ON KENTUCKY DEPARTMENT OF EDUCATION LITERACY INITIATIVES***

Associate Commissioner Starr Lewis came forward and introduced Cindy Parker, English/Language Arts Branch Manager, Sandra Hamon, Early Literacy Branch Manager, and Michael Miller, Director of the Division of Curriculum. She then asked Michael Miller to make some background comments for this topic.

Michael Miller then recognized Linda Holbrook and Cathy Crowe, who are department consultants and Felicia Cummings from the Collaborative Center for Literacy Development, all in the audience. He thanked the Board for reading the materials carefully and explained that this is the first of three presentations on literacy over upcoming meetings. Today’s presentation, he explained, is an overview on the literacy work. Miller emphasized as a nation and as a state, we are becoming more concerned about adolescent literacy and indicated that the staff note and attachments share some new programs in this area. At the next meeting, he said, the Collaborative Center for Literacy Development will make a presentation and at the third meeting, recipients of the Striving Readers Grants will come before the Board. Miller then pointed out that the framework on literacy has been in place for quite a while and noted that at the bottom of page 49, a series of literacy summits were described where some of the main principles were supportive, participating families that value literacy and acknowledgement and ownership by communities of the importance of reading and writing. He said that department staff keeps these principles in mind in all of its work. Miller explained that on pages 71 and 72 of the Agenda Book, the listing of programs is not intended to be smorgasbord, but instead is a systemic approach to literacy. He noted that the department is continually providing information to all Kentucky schools on research behind Reading First.

Keith Travis then asked if a look should be taken at all of the initiatives and then 2 or 3 designated as outstanding for schools to use.

Starr Lewis responded that Reading First has helped the department to formulate the principles of good reading, a structure for professional development and content that is more systematic and systemic than any other effort.

Saundra Hamon added that collaboration with partners is a big part of Reading First and that the use of technology for professional development has been very effective.

Travis continued that he was not being critical of the various initiatives, but said from a strategic standpoint, he questioned whether this was the best way to deliver services.

Associate Commissioner Lewis responded that one must look at the role of the department when answering that question because the department is in a different position than when it had regional service centers. She explained that when regional service centers existed, these could deliver services directly; however, she stated that when they ceased to exist, the department had to look at use of time, resources and people. She commented that if a blank slate existed, she would prefer to have more infrastructure at the department for the delivery of professional development; however, since this is not possible, she emphasized, we must reach out to our partners in order to deliver services.

Joe Brothers then commented that if one looks at all the reading initiatives, it seems overwhelming. He did not see the systemic nature of the programs.

Michael Miller responded that if one looks on pages 71 and 72, for example, several of the early childhood programs are under the same umbrella. He explained that all of the programs are not isolated items and are coordinated together within the same office of the department. Miller said it may look like a bunch of separate medications but instead is a regimen from which to choose. He emphasized that schools need a variety of medications available so that they can choose the ones to address the needs of individual students.

Bonnie Lash Freeman stated that it is important to know the connections between the programs. She also pointed out that it is obvious there has been a big investment at the early childhood level, but stated there needs to be more of a focus at middle and high schools.

### ***2007 ELEMENTARY AND SECONDARY LEGISLATION***

Interim Commissioner Kevin Noland came forward along with Legislative Liaison Bonnie Brinly to give highlights from the legislative session. Noland said there were 795 bills filed with very few of them being enacted. He reminded the Board they received a listing of the education bills that did pass last week. He then highlighted the following bills:

- HB 285 set up an appeals process for when the situation arises where two districts cannot reach agreement on nonresident students.
- HB 32 changed the language that used to allow the No Pass/No Drive provision in districts that had an alternative education program to now to apply to all districts.
- HB 50 raised from \$2000 to \$3000 the amount of per diem that local school board members could receive in one year.
- HB 145 ensures that when students move from district to district, that their attendance records follow them.
- Department staff got close to the passage SB 208 on principal selection but it got tied up in the last days of the session. Staff can try again during the next session if this is one of the priorities the Board wants to pursue.

Keith Travis emphasized that the bill on principal selection is one of several initiatives that the legislature is going to have to help the Board with as far as dealing with low performing schools so that schools can be held accountable for performance.

Noland continued that the Board's emphasis on school facilities construction will be handled as a study during the interim as a result of the attention it received. He also noted that HCR 26 officially confirmed Judy Gibbons and made her a legal part of this Board.

## ***MANAGEMENT COMMITTEE MEETING***

### **Action/Consent Items**

1. **District Facility Plans: Hardin and Lewis County School Districts and Beechwood and Pikeville Independent School Districts.** Division Director Mark Ryles indicated that these plans are rather routine. He did point out that one issue in Hardin County that came up during the conference call was whether the projected increase related to the military base alignment had been considered in their plan and staff provided additional information to show that this data has been considered. Questions were also asked about the nonresident student agreements between these districts and their surrounding districts. It was pointed out that additional data was provided within the staff note on this matter.
2. **2006-2007 Local District Tax Rates Levied.** Michelle Sutton came forward and noted that this is a routine item with a correction of a previous submission being made at this meeting. At this point, Kaye Baird moved to approve the submitted district facility plans and the 2006-2007 local district tax rates levied and Judy Gibbons seconded the motion. The motion carried.

Keith Travis then asked Mark Ryles to bring forward to the next meeting relative to the Graves County Facility Plan, the test scores for each school, minutes from the facility planning committee meetings, minutes from the board meetings and information on the capital plan.

### **Action/Discussion Items**

1. **Site Approval for a proposed new middle school, new elementary school, and future school facilities in Jessamine County.** Division Director Mark Ryles explained that whenever the site acquisition and development cost exceeds 10% of the budget for a project, it must come to the Kentucky Board of Education for approval. He noted that Jessamine County is a growth district and that their facility program is designed to meet the growth needs in the future. Ryles explained that the projected site costs for the middle school and elementary school are over the 10% due to the cost per acre. He noted that a certified appraisal is available to support the price and said that staff recommends approval of this agenda item.

David Rhodes then asked if the district plans to buy all of the land and Superintendent Lu Young responded affirmatively because it is for future building needs.

David Webb then asked Mr. Ryles how the Campbell County situation compared to this one.

Ryles replied that it was about \$46,000 per acre and two certified appraisals were submitted.

Mr. Webb emphasized that he just wanted the Board to be consistent with its position.

At this point David Rhodes moved approval of the site approval with the condition of securing another certified appraisal and Doug Hubbard seconded the motion. The motion carried.

Mark Ryles then shared that as far as following up on the Anderson County gas line situation, the district is in the process of relocating the gas line.

2. **702 KAR 7:065, Designation of agent to manage high school interscholastic athletics and revisions in Kentucky High School Athletic Association bylaws (Final).** Chair David Webb said he appreciated everyone's interest in this agenda item and their attendance today. He stressed that it was okay to disagree on points and said the committee must decide on what is fair. He commended the KHSAA, the Board of Control and its members and everyone involved in trying to address these issues. Webb recognized the successes of KHSAA and said he realizes they

have made mistakes in the past, but he also recognized their hard work. He then outlined his plan for addressing the proposals submitted by KHSAA as follows:

- Board Order 1 – I move approval of the following items and/or additions to existing Kentucky High School Association By-laws or its Constitution, as proposed by the Delegate Assembly and endorsed by the Board of Control: Proposals 1, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17 and 19. David Rhodes seconded the motion.

Chair Webb then asked Commissioner Brigid DeVries to briefly talk about each of these proposals that were included in Board Order 1 as follows:

- Proposal 1 – Clarifies the definition of full-time student.
- Proposal 6 – Clarifies a loophole in ineligibility; if it is a summer activity funded by the school this applies to ineligibility
- Proposal 7 – A technical amendment to Bylaw 10 to remove actions by school personnel dealing solely with already enrolled students from restricted activities
- Proposal 9 – A technical amendment to Bylaw 17 to put the Title IX compliance agreement contained on the application into the actual by-laws; Doug Hubbard asked that a sentence be added to Proposal 9 to read: “This certification and compliance does not apply to any matter on review by any court.” Hubbard said this was to keep the association from punishing a school for following a court order.
- Proposals 10 through 14 – Cleanup amendments
- Proposal 15 – Takes out procedural elements in default of the Kentucky Department of Education’s policies
- Proposal 16 – Adds licensed officials to the list
- Proposal 17 – Clarifies fines
- Proposal 19 – Moves up the dates for submission of proposals for consideration at the annual meeting

At this point, Doug Hubbard moved to delete Proposal 6 and amend Proposal 9 to add a sentence that reads: “This certification and compliance does not apply to any matter on review by any court.” Judy Gibbons seconded the motion to amend the original motion. The vote on the amendment was defeated with 3 committee members voting no and 2 voting yes. Next, the original motion was voted on and it passed with 3 voting yes and 2 voting no.

- Board Order 2 – Committee Chair David Webb next moved approval, with amendments as noted on the handout he provided, for the following proposed changes or additions to existing Kentucky High School Athletic Association By-laws or Constitution, as proposed by the Delegate Assembly and endorsed by the Board of Control:
  - Proposal 2: Amend Bylaw 4. Enrollment, Section 5(c)II, pertaining to non-public member schools with an average

enrollment of 300 or less students enrolled in grades nine (9) through twelve (12) during the past two years. The second sentence: “This non-public school territory may be expanded by the member school to include any or all the students whose permanent residence lies within a 30-mile radius drawn from the main entrance of the non-public school”.

- Proposal 20: Remove the last sentence, “The recorded vote shall not be required on matters related to the KHSAA due process procedures and student eligibility”.

Kaye Baird seconded the motion on Board Order 2.

Judy Gibbons said that she did not support Proposal 2 and felt it does not meet the needs of students. She suggested tabling Proposal 2 and also the establishment of a confidential hotline to handle athletic issues. Gibbons stated that she felt adult issues were being used to punish students.

David Rhodes then said he was led to believe that complaints had to be in writing but thought that Judy Gibbons had a valid point on perhaps establishing a hotline to pursue some of these anonymous complaints.

Commissioner DeVries responded that KHSAA does forward a copy of any complaint to the member schools and that in the past a hotline existed that was rarely used.

Doug Hubbard said he was in favor of the amendments to Proposal 2 and 20, but said that in Proposal 2 on those moving between public and private schools or private and public schools, the one-year of ineligibility is too harsh.

David Webb commented that he believed children are being punished now by bad decisions of adults. Webb said this proposal will protect students and level the playing field between public and private schools.

The question was called on Board Order 2 and it passed with 3 yes votes and 2 no votes.

- Board Order 3 – Committee Chair Webb moved that the following proposed amendments and/or additions to existing Kentucky High School Athletic Association By-laws or Constitution be returned to the Kentucky High School Athletic Association for additional study by its Delegate Assembly or Board of Control: Proposals 5, 18 and 21. David Rhodes seconded the motion and it carried unanimously.
- Board Order 4 – Committee Chair Webb continued and stated that whereas, the Kentucky High School Athletic Association has acted as the agent of the Kentucky Board of Education for several years in matters related to high

school athletics, it is the responsible duty of the Board to periodically review and monitor this entity's operation. In fulfillment of this responsibility, the Kentucky Board of Education (KBE) in 1993 appointed a Commission on Interscholastic Athletics to study optimum methods and best practices to deliver quality high school interscholastic athletic programs. Webb then moved that the Kentucky Board of Education re-establish a Commission on Interscholastic Athletics charged with the responsibility of reviewing the operational efficiency of the Kentucky High School Athletic Association. This review shall include, but is not limited to, an examination of the following issues:

- Are business practices conducted efficiently?
- Are existing bylaws monitored and enforced?
- Is the amount expended for legal services appropriate and reasonable?
- Are eligibility rulings and appeals addressed promptly and consistently?
- What is the role of eligibility hearing officers? Does the Board of Control usually accept their findings?
- Review the relationship of the KHSAA to the court system. Are orders of the court being appropriately addressed?

The Board Chair will appoint seven members, one from each of the Supreme Court districts, to be ratified by the Kentucky Board of Education. This commission may report their findings periodically but shall provide a summary to the Kentucky Board of Education by the end of the calendar year.

Judy Gibbons seconded the motion and it carried unanimously.

- Board Order 5 – Committee Chair Webb said that Board Order 5 needs to be changed to read “A motion is needed to approve 702 KAR 7:065 as amended to include the changes adopted by the Management Committee”. David Rhodes so moved and Kaye Baird seconded the motion. The motion carried with 3 voting yes and 2 voting no.
- Julian Tackett from the KHSAA then pointed out that referendums 1 and 2 had not been covered. Thus, Doug Hubbard moved to approve referendums 1 and 2 and Judy Gibbons seconded the motion. The motion carried unanimously.
- At this point, Doug Hubbard moved to amend Proposal 2, Section 5(b), 15 to read “Partial ineligibility means the athlete shall be eligible to practice in any sport; eligible to participate during the first half of any team contest in football, basketball, soccer, baseball, fast pitch softball, slow pitch softball; eligible to participate in the first, third and fifth and every other contest thereafter during the regular season for all other sports; ineligible to participate in the second half, overtimes or extra innings of any team contest in football, basketball, soccer, baseball, fast pitch softball, slow pitch softball,

including the post season; ineligible to participate in the second, fourth, sixth and every other contest thereafter in the post season for all other sports”. Also in Section 5(d) 2, in the fourth line insert the word “partially” before the word ineligible and in the eighth line insert the word “partial” before the word ineligibility. In Section 5(d) 3, it should read that: "Neither the Commissioner and/or the Board of Control shall have the discretion to waive the period of partial ineligibility contained in this bylaw”.

Judy Gibbons said she commended Hubbard on his creativity but thought it would be hard to enforce.

The motion died from lack of a second.

### **Review Items**

1. **Report on Title IX Deficiencies for schools audited during the 2006-2007 school year and recommendations for 2007-2008.** Larry Boucher from KHSAA said that 31 schools were revisited this year on their Title IX compliance. He indicated KHSAA is very proud of its work in Title IX and was rated as sixth in the nation by a national report in this area.

David Webb commended the association for being recognized nationally in the area of Title IX.

Questions were raised about Beechwood and Larry Boucher said that KHSAA looked into financial expenditures being made that favored boys. He said the district seems to be making steps forward to rectify this. He noted that the only school the association was disappointed in was the Heritage Academy and that all other schools had complied with corrective actions they were to make.

**Thursday, April 5, 2007**

### ***CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING***

#### **Action/Consent Items**

1. **Appointments to the State Textbook Commission.** Division Director Michael Miller introduced Dr. Ann Asbeck, the consultant who works with textbooks and explained that today staff was making recommendations for two appointments to the Textbook Commission. He noted that one person is a re-appointment and the other is a new appointment to replace Cliff Owen. Miller indicated that the new person being recommended is Ken Dearborn from Holmes High School, whose background appears on page 146 of the Agenda Book.

Bonnie Lash Freeman said she had no problem with the recommendations but thought that Mr. Dearborn may need to be at Holmes High School since the Board



heard about their improvement plan yesterday. She asked about the time commitment for being on the Textbook Commission.

Dr. Asbeck replied that it would require 4 meetings per year and that it would give Mr. Dearborn the advantage of becoming very aware of instructional resources.

Bonnie Freeman then asked for thoughts from her committee members.

Both Joe Brothers and C.B. Akins agreed that a message needed to be sent that the improvement plan at Holmes High School is of central importance and thus, it would be better for Mr. Dearborn to remain on the high school campus during the year.

At this point, Jeanne Ferguson moved approval of Katrina Sloan's appointment to the Textbook Commission and C.B. Akins seconded the motion. The motion carried.

Next, Joe Brothers moved not to approve Ken Dearborn's appointment and to bring a new person forward at the next meeting. C.B. Akins seconded the motion and it carried.

Interim Commissioner Kevin Noland asked Dr. Asbeck to communicate to Mr. Dearborn that this is not a rejection of him but instead it reflects the Board valuing his presence on site at Holmes High School.

### **Action/Discussion Items**

1. **707 KAR 1:280 – 1:380, Revisions of the Kentucky Administrative Regulations for Special Education Programs (Final)**. Interim Commissioner Kevin Noland shared that the remaining issues raised by the Kentucky School Boards Association were able to be resolved in the last three days. Thus, he indicated the Board is getting a new set of regulations containing these new changes.

Johnnie Grissom explained that the materials in the orange folder contain the revisions made subsequent to the mailing of the Agenda Book and said that is what staff would be highlighting today.

At this point, Bonnie Lash Freeman asked Associate Commissioner Grissom to comment on the alternate assessment.

Grissom responded that these regulations do not address the alternate assessment but instead carry out the provisions of the Individuals with Disabilities Education Act (IDEA). She explained that staff has been having conversations on the alternate assessment over the last weeks and months and intends to do training

this summer to bring clarification to any misunderstandings. She went on to say that 11 low-incidence consultants in the regions are working with the Department to come up with tools to help practitioners understand the issues in relation to the alternate assessment.

Interim Commissioner Noland added that at the June meeting, staff will talk specifically about the alternate assessment.

Barbara Kibler then noted that approval of these regulations has no impact on the alternate assessment.

Bonnie Lash Freeman continued and asked about the Department's response to the intervention issue that was previously brought before the Board.

Ms. Kibler replied that staff had brought this to the committee previously and initially thought a draft regulation around the issue would be brought forward at this meeting; however, she shared that staff decided a need exists to do more background work and gather input from stakeholders on the intervention issue. Kibler said a draft regulation could perhaps come forward in June.

Bonnie Lash Freeman clarified that this is a regular education issue and suggested that since more input has been requested, it might be better to bring a draft regulation in August to give staff more time to work on this.

At this point, Associate Commissioner Johnnie Grissom introduced Larry Taylor, Director of the Division of Exceptional Children Services and Barb Kibler, Director of the Hearing and Vision Improvement Team. She emphasized that these two people had worked extensively on these regulations. Grissom then noted that the additional changes that have been made to the regulations given out to the Board today are reflected in bold. She asked Larry Taylor to go through the additional changes.

Mr. Taylor reminded the Board that the regulations reflect input from many stakeholders and will produce a very useful product for Kentucky students. At this point he went through the additional changes in the packet that was handed out.

At the conclusion of going through the packet showing the additional changes to the special education regulations, Bonnie Lash Freeman itemized those changes that were added by Board members as they went through the materials as follows:

- On page 16, insert the word “relevant” in line 21 prior to research-based instruction
- On page 32, insert the word “relevant” in line 10 prior to research-based instruction

- On page 62, line 16, make the sentence begin as follows: On a child's 16<sup>th</sup> birthday, the IEP shall include . . .
- On page 104, line 23, and page 105, line 1, move the word "visits" so the phrase reads "records of home or place of employment visits".

At this point, Janna Vice moved to approve the additional changes made by the Board during today's discussion to 707 KAR 1:280 through 1:380 and also the recommended changes by staff. C.B. Akins seconded the motion and it carried.

2. **Preschool Funding, 2007-2008 Rates.** Associate Commissioner Starr Lewis said that this is a routine item that comes annually to the Board and indicated that staff is thrilled with the increase in the dollars, but cautioned this is a formula item when deciding how to allocate it to schools.

Bonnie Lash Freeman shared that she will miss Kim Townley as she returns to the University of Kentucky. Freeman indicated that Townley has made a difference in the area of early childhood and thanked her for her work.

Kim Townley shared that this agenda item comes to the Board every April and pointed out the staff note has a review of the number of students enrolled in the program. She explained that the finance people take these numbers and run a formula to get a per child rate. Townley noted that 850 additional children were served due to the additional money for the state preschool program.

Joe Brothers moved approval of the staff recommendation and C.B. Akins seconded the motion. The motion carried.

3. **Consideration of Waivers of 703 KAR 5:020, affecting grade configurations.** Division Director Kevin Hill came forward for this item and explained that schools have a variety of configurations throughout the state. He noted that with the Board's changes to the accountability regulation in February, grades 3 and 6 were added to accountability and caused many of these waivers to be requested. Hill explained schools that are not K-5 or 6-8 don't fit the regular configuration in the accountability regulation and thus must request a waiver of that configuration. He assured the Board that these waivers are due to local configuration differences within their districts and that these districts are not trying to gain any advantage by requesting the waivers. Hill said that 44 districts are impacted with the configurations coming forward mostly being K-6, 7-8 or 7-12. Hill cited an attachment to the staff note that walks Board members through each specific case.

Joe Brothers asked if it would adversely affect the student outcomes or test scores at these schools.

Kevin Hill replied that most of these are continuing with their current configuration and it's really not change for them.

At this point, Janna Vice moved to approve all of the requested waivers and Joe Brothers seconded the motion. The motion carried.

### **Review Items**

1. **Performance-based credits awarded toward high school graduation.** Starr Lewis indicated that the Board had requested some time ago for staff to bring this item forward and remind members such a policy exists. She said that Linda Pittenger and Michael Miller put the staff note together and would give a brief summary of the staff note itself.

Michael Miller began by explaining that performance-based credits are an option that has been around for a number of years. He said that the idea is to provide more relevance for the student. Miller said that those places that are implementing this concept, which are not a great many, are mainly doing so for credit recovery.

Linda Pittenger continued and said that this is a innovative way to potentially give credit to students. She said that it is an option for students in many cases where the traditional approach is not working and makes an alternative way for students to learn and/or demonstrate the learning available. Pittenger said it is an alternative to the Carnegie Unit or seat time credit and can be thought of as a learning contract between the student and the school. She gave an example of a Kentucky student who formed a community led group to stop smoking and a Texas student that started his own eyewear business. She emphasized this approach is not limited to the gifted but can be used with all kinds of students to bring relevance to learning. Pittenger cautioned that rigor, relevance and high expectations must be balanced in this approach. She said next steps are that the Kentucky School Boards Association, Kentucky Association of School Councils and the Kentucky Department of Education are working with some schools to develop model policies around performance-based credit systems.

Janna Vice asked if this could ever be thought of as being retroactive credit.

Linda Pittenger replied that this would be a university decision, and there would have to be a policy in place in the high school and any credit arrangement worked out in advance.

Jeanne Ferguson then inquired if there is a limit to the number of credits that can be earned this way.

Linda Pittenger replied that this would be a local decision. She added that Rhode Island and New Hampshire are moving to eliminate the Carnegie Unit and Kentucky is watching those states.

Bonnie Lash Freeman then inquired where models exist in the state of Kentucky.

Pittenger said that Kenton, Daviess and Fayette counties are operating versions of performance-based credit systems at certain sites.

C.B. Akins cautioned that he wanted to ensure that once a student is engaged in performance-based credit, he or she must demonstrate in writing or through some communication skill that learning is taking place.

Linda Pittenger said that nothing releases educators to ignore the traditional skills and that these are very much part of these performance-based systems.

### ***ARTS ASSESSMENT UPDATE***

Chair Travis announced that the agenda would be altered and that this agenda item would be moved to June due to time constraints on today's agenda.

### ***MINORITY SUPERINTENDENT INTERNSHIP PROGRAM (MSIP)***

Division Director Michael Dailey came forward for this presentation and introduced Elaine Farris, Superintendent of the Shelby County School District and Dianne Woods-Ayers, Superintendent of the Campbellsville Independent School District. He said that as participants in the Minority Superintendent Internship Program, they would be sharing some their experiences and insights with the Board. First, however, Dailey gave a PowerPoint presentation that made the following points:

- The Division of Educator Quality and Diversity has the goal of recruiting and retaining a highly qualified diverse workforce.
- The Minority Superintendent Internship Program is a one-year (July 1-June 30) leadership development program for minorities who deserve the opportunity to pursue a position as a Kentucky school superintendent.
- This non-traditional leadership development program responds to the appreciation that a minority school superintendent may be faced with unique and complex problems as the educational leader.
- Further, this program recognizes the necessity for a pool of diverse individuals prepared to successfully meet the academic and fiscal challenges of accountability in our schools.
- As far as the formal recruitment process, contacts are made with superintendents (current and former), the Administrative Leadership Institute, the Kentucky Association of School Administrators' newsletter, the Kentucky Department of Education press release, informal contacts (warm and cold calls) and personal visits to local districts.

- Selection criteria may include, but are not limited to the following:
  - Demonstrated commitment to public education and to developing a career in educational leadership
  - Possession of or progress toward a Kentucky superintendent certification
  - Commitment to quality education for all children, and the teaching and learning process
  - Capacity to provide leadership in dynamic, complex settings in the role as superintendent
  - Excellent communication skills
  - Strong interpersonal and managerial skills
- To participate in the internship process, a candidate must go through the application process, be interviewed, have mentors identified, be assigned, go through the Kentucky Department of Education orientation, receive monthly feedback reports, attend testing and training seminars, attend conferences, receive ongoing Department of Education technical assistance and access employment opportunities when the time comes.
- On June 6, 2004, the first of the original three interns Elaine Farris became the first minority hired as a full-time superintendent in Kentucky's history.
- Additionally, Dianne Woods-Ayers has assumed the superintendency of the Campbellsville Independent Schools.
- Ms. Andrea Locke also participated as one of the original minority superintendent intern program candidates and is now the Human Resources Director in Nelson County.

C.B. Akins then said that it appeared to him that the principal program could be instructional to the minority superintendent internship program and said this needs to be noted.

Michael Dailey said he agreed.

C.B. Akins continued that he was aware of a collaboration between Kentucky State University, the University of Kentucky and Kentucky Department of Education that was not fruitful, with missteps occurring. He indicated this needs to be corrected.

Chair Keith Travis then asked as a follow-up to this discussion that staff draft a letter to Dr. Tom Layzell asking for the Council on Postsecondary Education's support for the Minority Superintendent Internship Program. Travis also noted that if certain districts are not cooperating in supporting this program, the Board needs to know.

Michael Dailey then shared that on April 16, the Minority Superintendent Internship Program window opened again for a new cycle and he said that applications are currently

being received. Dailey explained that soft money should not be used for a program such as this due to the level of commitment and priority that the Board has for it. Dailey said that monies need to be available to sustain it over time. He then asked Elaine Farris to make comments about her experience in the program.

Farris commented that doors opened for her because of the Minority Superintendent Internship Program. She said that she was disappointed that it was not done last year and is glad to hear that it's being reopened this year. Farris said the program gave her the opportunity to be at the table to learn the work of the superintendent. She emphasized that it gave her the confidence to say "I can do this work". She said she would like to see those who go through the program that are not chosen as superintendents kept in the pipeline with mentoring and ongoing opportunities.

Diane Woods-Ayers then spoke and echoed what Farris said about mentoring and keeping people in the pipeline. She said the program was valuable in helping her get her job and being validated by a school board member, who saw the need for the local board to interview her. Diane indicated that the technical assistance she has received from the Department of Education has been a valuable resource. She reported that her district is growing its own minority teachers and she asked that the Department continue this program to accelerate opportunities.

To close out the presentation, Michael Dailey asked that Interim Commissioner Noland and the Board hold him accountable for the success of the program and he shared that he will come back in the future with an update.

### ***HEARING OFFICERS REPORT***

Interim Commissioner Noland reported that at the last Education Assessment and Accountability Review Subcommittee (EAARS) meeting, the issue of the elementary norm referenced test came up. He noted that the Board had decided due to reducing testing and eliminating duplicative testing that was required by the *No Child Left Behind Act*, a vote occurred to allow districts to choose whatever norm referenced test they want to give and to not include it in accountability. However, at last week's EAARS meeting, Noland pointed out, concerns were expressed on this issue. He explained that Senator Westwood had decided to seek an Attorney General's opinion. Additionally, Noland said, the EAARS committee chose not to stop the regulatory process and attach a letter to the regulation but decided to ask the Board in 2008 to look at a uniform statewide elementary norm referenced test and to include it back in accountability. Noland went on to say that EAARS wants to include EXPLORE in accountability at the middle school level. He said that staff is looking at the cost and how to get this done with the assistance of ACT. Noland shared that staff will come back with a proposal on both of these issues at a future meeting.

Bonnie Lash Freeman then asked if this is a requirement or options we could create.

Interim Commissioner Noland said that EAARS is saying that the legislative intent is for the elementary norm referenced test to be uniform statewide and included in accountability. He said that the Board will need to keep EAARS apprised of its discussion and decision on these issues.

Doug Hubbard commented that he thought EAARS had signed off on these issues.

Noland replied that at the August and October EAARS meetings, these issues were not raised. He explained they were raised when staff went back last week. Noland cited that the statutes allow the Board to decide what is in accountability.

Keith Travis stated that it is difficult to follow directives if the legislature is not clear.

### ***APPROVAL OF ACTION/CONSENT AGENDA ITEMS***

Kaye Baird moved approval of the district facility plans and local district tax rates levied. C.B. Akins seconded the motion and it carried.

As far as the appointment of Textbook Commission members, Bonnie Lash Freeman moved approval of one of the recommended candidates, Katrina Slone and not Ken Dearborn because the committee felt he needs to be at the school during implementation of its improvement plan. She noted that the Kentucky Department of Education will come back with another name in June to replace Mr. Dearborn. Kaye Baird seconded the motion and it carried. Ms. Freeman made it clear that staff is to communicate to Mr. Dearborn that this is not a punitive measure but is in the best interest of his school.

### ***REPORT OF THE MANAGEMENT COMMITTEE ON ACTION/DISCUSSION ITEMS***

**Site approval for a proposed new middle school, new elementary school and future school facilities in Jessamine County.** – Chair David Webb said that whenever a site acquisition and site preparation exceeds 10% of the maximum budget for the project, it must come before the Kentucky Board of Education. He said this is the case for the Jessamine County site approval. Webb said that the committee heard from Mark Ryles and Jessamine County Superintendent Lu Young that Jessamine County is a growth district and this purchase allows for future building needs over the next decade. Mr. Webb explained that the certified appraisal supports the price and said that the Board has approved similar purchases in the past, such as in Campbell County. He noted that the committee did ask for one more certified appraisal since two were done in the Campbell County purchase. Thus, he moved on behalf of the committee that the Jessamine County site acquisition be approved with the condition of doing one more site appraisal. The Board concurred with the motion.



***REPORT OF THE CURRICULUM, INSTRUCTION AND ASSESSMENT  
COMMITTEE ON ACTION/DISCUSSION ITEMS***

1. **707 KAR 1:280 – 1:380, Revisions to the Kentucky Administrative Regulations for Special Education Programs (Final).** Committee Chair Bonnie Freeman indicated that the special education regulations were being brought to the full Board with the changes discussed in the Curriculum, Instruction and Assessment Committee meeting. She noted that each member had been given an orange folder that contained the additional changes to the regulations since the mailing of the Agenda Book. Ms. Freeman then went over the additional changes approved by her committee and moved approval of these regulations to include the changes recommended by staff and those made today by her committee. The Board concurred with the motion.
2. **Preschool Funding, 2007-2008 Rates.** Chair Bonnie Lash Freeman moved approval of staff's recommendations for preschool funding and the Board concurred.
3. **Consideration of waivers of 703 KAR 5:020, affecting grade configurations.** Committee Chair Bonnie Lash Freeman moved approval of all submitted waivers and the Board concurred.

***BOARD MEMBER SHARING***

Joe Brothers began by questioning what the Board needed to do about the progress toward proficiency.

Keith Travis responded that this would be discussed at the retreat.

Brothers continued that the Board needs to consider the essential items the legislature should allocate funds for that would relate to proficiency.

Bonnie Lash Freeman felt the Board should talk about working with constituencies in building coalitions.

Joe Brothers then added that the Board needs to have a vision on which the School Curriculum Assessment Accountability Council, the Education Assessment Accountability Review Subcommittee, the Local Superintendents Advisory Council and others need to focus.

Janna Vice thought that depth of knowledge should be a topic of discussion at the retreat.

Doug Hubbard pointed out that the number of meetings per year should be a topic of discussion with the Board perhaps needing to meet more.

David Rhodes thought that a panel discussion at the retreat including area educators should be on the agenda.

Janna Vice said it would be good to include students if possible.

David Webb thought that inviting members of the General Assembly to participate on the panel would be a good thing.

Joe Brothers said he would like to see more of the Board's work done on weekends.

At this point C.B. Akins expressed his appreciation to the Board for its support of the Minority Superintendent Internship Program, principal's program and teacher mentoring program. He asked that this support be ongoing.

Janna Vice then commented that the Department and Board have worked through issues when the two can't agree. She emphasized that the Department tries to bring the Board a fair perspective. Bonnie Lash Freeman and Joe Brothers agreed.

### ***INTERNAL BOARD BUSINESS***

Keith Travis shared the following:

- Jeanne Ferguson has agreed to chair the Pre-K to 16 Council and Judy Gibbons will replace Bonnie Lash Freeman as her term ends on the Council.
- A phone call was received about a construction issue alleging nepotism in a school district and possible irregularities in the construction project. Chair Travis and Bonnie Lash Freeman met with the person making the allegation and thus, Chair Travis moved to ask Kevin Noland to employ an entity to investigate the situation and to send a letter to the Office of Education Accountability asking them to review employment practices. Doug Hubbard seconded the motion and it carried.

### ***REPORT OF THE MANAGEMENT COMMITTEE ON ACTION/DISCUSSION ITEMS (CONT'D)***

#### **702 KAR 7:065, Designation of agent to manage high school interscholastic athletics and revisions in Kentucky High School Athletic Association bylaws (Final) –**

Committee Chair David Webb expressed appreciation for the interest in this item and he said he hoped some day there would be this much interest in academic issues. He explained that he would have several motions to bring to the Board and handed them out in writing for their review. Mr. Webb then made Motion 1 as follows: I move approval of the following proposed amendments and/or additions to the KHSAA bylaws and constitution as proposed by the Delegate Assembly and approved by the Board of Control: Proposals 1, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17 and 19.

Doug Hubbard said he objected to Proposal 6 because it conflicts with what he is proposing for Proposal 2. Also, he explained that Proposal 9 is a blatant attempt by the KHSAA to control member schools that follow court orders. Hubbard said that he has proposed an amendment saying that this does not apply to matters under court orders because schools must follow these. Hubbard then moved to amend the motion to delete Proposal 6 and modify Proposal 9 with a sentence that reads “This certification and compliance does not apply to any matter on review by any court.”. Jeanne Ferguson seconded the amendment.

David Webb then clarified that Proposal 9 was suggested by Kevin Noland to make certain reporting requirements for the heat index, Title IX and others were legally enforceable by putting it in the bylaws.

The question was then called on the amendment and it passed with 7 yes votes and 4 no votes. The roll call revealed yes votes by C.B. Akins, Joe Brothers, Jeanne Ferguson, Judy Gibbons, Doug Hubbard, Keith Travis and Janna Vice. No votes were cast by Kaye Baird, Bonnie Lash Freeman, David Rhodes and David Webb.

The question was then called on the original motion as amended and it passed with 7 yes votes and 4 no votes.

Committee Chair Webb then moved on to Motion 2 as follows: I move approval of the following proposed amendments and/or additions to the KHSAA bylaws and constitution, as proposed by the Delegate Assembly and approved by the Board of Control, with the following language amendments:

- Proposal 2: Amend bylaw 4. Enrollment, Section 5(c) II, pertaining to non-public member schools with an average enrollment of 300 or less students enrolled in grade nine (9) through twelve (12) during the past two years. The second sentence becomes, “This non-public school territory may be expanded by the member school to any or all of the students whose permanent residence lies within a 30-mile radius drawn from the main entrance of the non-public school”.
- Proposal 20: Remove the last sentence, “The recorded vote shall not be required on matters related to the KHSAA due process procedures and student eligibility”.

Jeanne Ferguson thought that a taxpayer puts his or her child in a religious-based school as a personal choice. She said she would like the parent to have this choice without the ineligibility penalty.

Judy Gibbons agreed and said her problem with Proposal 2 is that it punishes children for adult actions.

Doug Hubbard expressed that just as many are going from public to private as private to public, so a large amount of young people will be denied access. He said he could go along with the feeder system but not the ineligibility for one year.

Joe Brothers then stated that it was his understanding that every public and private school child will have to make a decision on where to go to high school at the end of grade 6.

David Webb said this statement is correct.

Brothers then wanted to know if a student in a private school attends a school that ends at grade 8 and decides to go on to Lexington Catholic, would this make him/her ineligible to play.

Commissioner DeVries said the student could go either to the public school where they live or the high school in their diocese.

Then, C.B. Akins inquired as to whether the student could practice with the team.

Under Proposal 2, David Webb said, the answer would be no.

C.B. Akins then emphasized that sports were very important to him growing up and wondered if there was some way for a compromise on this situation.

Janna Vice then commented that in the age of school choice, she supports what Dr. Akins said and felt that it is too harsh to keep students from practicing. She explained that even college athletes get to practice if they are ineligible. Vice shared that she could support a structure but not depriving students of practicing.

Joe Brothers then stated that he has unanimous support for public schools but emphasized that he was not happy at bringing forward a proposal that pits two groups of citizens against each other. He said that this is telling students going into grade 7 they must decide where they are going to high school. He felt the proposal will punish kids.

At this point the question was called on Motion 2 and it was defeated with 7 members voting no and 4 voting yes.

At this point C.B. Akins stated that he thought there has to be some curtailing of recruiting. Akins said that it is totally out of hand and anybody that will not acknowledge that it goes on has their head in the sand. At the same time, he noted, he was really concerned over punishing kids. Akins then made a new motion to approve Proposal 2 with the exception that the child being ineligible to play but be allowed to practice and be a part of the team for the period of one year. Doug Hubbard seconded the motion.

Keith Travis clarified that the motion also included Proposal 20 and both Akins and Hubbard agreed that it did. The question was called and the motion was approved with 9 voting yes and 2 voting no.

Committee Chair Webb moved on to make Motion 3 as follows: I move approval of the following proposed amendments and/or additions to existing KHSAA bylaws or its constitution be returned to the KHSAA for additional study by its Delegate Assembly or

Board of Control: Proposals 5, 18 and 21. The Board concurred with the motion unanimously.

Mr. Webb moved on to Motion 4 that read as follows: Whereas, the Kentucky High School Athletic Association has acted as the agent of the Kentucky Board of Education for several years in matters relating to high school athletics, it is the responsibility of the Board to periodically review and monitor this entity's operation. In fulfillment of this responsibility, the Kentucky Board of Education (KBE) in 1993 appointed a Commission on Interscholastic Athletics to study optimum methods and best practices to deliver quality high school interscholastic athletic programs. I now move the Kentucky Board of Education re-establish a Commission on Interscholastic Athletics charged with the responsibility of reviewing the operational efficiency of the Kentucky High School Athletic Association. This review shall include, but not be limited to, an examination of the following issues:

- Are business practices conducted efficiently?
- Are existing bylaws monitored and enforced?
- Is the amount expended for legal services appropriate and reasonable?
- Are eligibility rulings and appeals addressed promptly and consistently?
- What is the role of eligibility hearing officers? Does the Board of Control usually accept their findings?
- Review the relationship of the KHSAA to the court system. Are orders of the court being appropriately addressed?

The Board Chair will appoint seven members, one from each of the Supreme Court districts, to be ratified by the Kentucky Board of Education. This commission may report their findings periodically but shall provide a summary to the Kentucky Board of Education by the end of the calendar year.

The motion passed unanimously.

Motion 5 was then proposed by Committee Chair Webb as follows: I move approval of 702 KAR 7:065, including the amendments to the bylaws and constitution that designates the KHSAA as its agent for the management of high school interscholastic athletics during the period ending April 30, 2008. The motion carried with Doug Hubbard voting no.

Mr. Webb then moved approval of Referendum 1 and the Board concurred with its approval. Then, he moved approval of Referendum 2 and the Board concurred with the motion.

At this point Doug Hubbard moved to add in a provision for the KHSAA Commissioner and Board of Control so that they could not waive the provision of Bylaw 4. He said that there needs to be a standard for application of the waiver. Jeanne Ferguson seconded the motion.

Keith Travis said he thought the Board could trust KHSAA to do the right thing. He suggested they should be given the opportunity to prove themselves in implementation.

David Rhodes felt that KHSAA could give a report could be given at the Board's meetings.

Doug Hubbard then changed his motion to be that the Board should see a report on waivers and eligibility at each Management Committee meeting. Jeanne Ferguson agreed to second the motion as amended. The motion carried with Bonnie Lash Freeman voting no.

#### ***CLOSED SESSION TO DISCUSS PERSONNEL***

Judy Gibbons moved to enter into closed session to discuss personnel and Kaye Baird seconded the motion. The motion carried.

The Board came out of closed session on a motion by David Webb and a second by David Rhodes. The motion carried. No action was taken during the closed session.

#### ***ADJOURNMENT***

The meeting was adjourned following the end of the closed session.